

**BOROUGH OF BERNVILLE  
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 348

**AN ORDINANCE OF THE BOROUGH OF BERNVILLE, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS OF ALL RESIDENTIAL RENTAL UNITS WITHIN THE BOROUGH OF BERNVILLE TO REGISTER WITH THE BOROUGH SECRETARY, PROVIDING FOR ALL SUCH UNITS TO BE INSPECTED AS PROVIDED HEREIN BY THE BOROUGH CODES ENFORCEMENT OFFICER, SETTING FEES FOR THE COST THEREOF, PROVIDING A PROCEDURE FOR INSPECTION AND PENALTIES FOR VIOLATION OF THE ORDINANCE.**

**WHEREAS**, the Borough Council ("Borough Council") of the Borough of Bernville, Berks County, Pennsylvania (the "Borough") recognizes a need for a comprehensive and organized license and inspection program of Residential Rental Units within the Borough to assure compliance with local safety, health, fire and zoning regulations; and

**WHEREAS**, Borough Council recognizes a need for an efficient system for compelling the habitability and the continued maintenance of the Residential Rental Units within the Borough; and

**WHEREAS**, Borough Council recognizes that lessees have a reasonable expectation that their Residential Rental Units will be maintained in accordance with the health and building code standards and ordinances; and

**WHEREAS**, Borough Council recognizes that requiring licensing and inspection of Residential Rental Units within the Borough will allow for orderly administration of this Ordinance.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOROUGH OF BERNVILLE, BERKS COUNTY, PENNSYLVANIA**, and it is hereby enacted and ordained by authority of the same:

**SECTION 1. LICENSING OF RESIDENTIAL RENTAL UNITS.**

No Person shall hereafter occupy, allow to be occupied or lease to another Person for occupancy any Residential Rental Unit within the Borough unless a license application has been properly completed and filed with the Borough and all fees paid therefore.

**SECTION 2. MANNER OF LICENSING.**

(a) Application for the Residential Rental Unit license shall be made upon forms furnished by the Borough for this purpose.

(b) The fee for the annual license of Residential Rental Units shall be as set forth in the Fee Schedule as adopted by Resolution from time to time by the

Borough Council.

(c) Except as provided in Subsection (d), application for the annual license shall be made on or before September 30<sup>th</sup> of each calendar year for the period commencing January 1<sup>st</sup> and ending December 31<sup>st</sup>.

(d) Every new owner of a Residential Rental Unit within the Borough shall be required to furnish to the Borough the information required by Subsection (a) within thirty

(30) days of the date of purchase and thereafter as required by Subsection (c).

### **SECTION 3. DUTIES OF OWNERS OF RESIDENTIAL UNITS.**

(a) Every owner, landlord, Manager or agent for an owner who rents, leases, offers for occupancy for remuneration any property, or any portion thereof in the Borough, to any tenant for a period of time in excess of five (5) days, shall supply the following information to the Borough Secretary:

1. The Residential Rental Unit's street address and/or the Residential Rental Unit's room or unit number;
2. The name or names of all tenants and occupants to occupy such property;
3. Contact information for the tenants and occupants of the property;
4. The mailing address of the Residential Rental Unit; and
5. The name, address, telephone number & email address of the property owners and the name, address, telephone number & email address of a designated property manager who resides within twenty-five (25) miles of Borough limits if the property owner lives beyond the limits of Berks County, Pennsylvania.

(b) The above information shall be provided to the Borough Secretary within thirty (30) days of the renting, leasing, subleasing, occupancy or possession of any property in the Borough for a period of time in excess of five (5) days. Notwithstanding the foregoing, if a property has already been rented, leased, subleased, occupied or possessed for a period of five (5) days prior to the execution of this Ordinance, all of the above information shall be remitted the Borough Secretary within thirty (30) days of the execution of this Ordinance.

(c) Additionally, every owner, landlord, Manager, or agent of owner shall take action to ensure that each Residential Rental Unit is occupied by only one (1) Family.

#### **SECTION 4. INSPECTION OF RESIDENTIAL RENTAL UNITS.**

All Residential Rental Units shall be inspected by the Borough Codes Enforcement Officer bi-annually for compliance with this and other Borough Ordinances or currently adopted IPMC or Commonwealth of Pennsylvania or Federal laws applicable thereto. Nothing in this Section shall prohibit additional inspections if the property is found to be in violation of any Borough Ordinance, Commonwealth of Pennsylvania or Federal laws or if Borough Council receives complaints regarding unlawful activities at the property. The fee for the bi-annual inspection of Residential Rental Units and any additional inspection costs, if any registered letter or posting of the property is required or if violations are identified as a result of a complaint inspection, shall be as set forth in the Fee Schedule as adopted by Resolution from time to time by the Borough Council.

#### **SECTION 5. CERTIFICATE OF INSPECTION.**

No person shall rent, lease or allow to be occupied any Residential Rental Unit subject to this Ordinance without having a valid and current Certificate of Inspection for the Residential Rental Unit.

#### **SECTION 6. PROCEDURE FOR INSPECTIONS.**

(a) The Borough Codes Enforcement Officer shall inspect every Residential Rental Unit within the Borough as set forth in Section 4. If a property is found to be in compliance with Borough Ordinances and the inspection fee has been paid, the Borough Codes Enforcement Officer shall issue a Certificate of Inspection for the property.

(b) If a property is found to be in violation of any Borough Ordinance, including, but not limited to, the currently adopted IPMC, or any Commonwealth of Pennsylvania or Federal laws, the Borough Codes Enforcement Officer shall provide written notice of such violation(s) to the property owner or to the local property Manager designated by the property owner and shall set a reinspection date before which such violation(s) must be corrected. The reinspection date shall be as stated by the Borough Codes Enforcement Officer in the written notice. A fee for each reinspection of violation(s) shall be charged in accordance with the Fee Schedule established by the Borough.

#### **SECTION 7. CERTIFICATE OF INSPECTION PROCEDURES.**

(a) The Owner of a Residential Rental Unit may request inspection of a Residential Rental Unit at any time. Any such request shall be made in writing to the Borough Secretary and shall be accompanied by the inspection fee required by the Borough.

(b) The Certificate of Inspection issued by the Borough Codes Enforcement Officer shall expire on the second January 1<sup>st</sup> following issuance of the certificate.

- (c) A Certificate of Inspection shall be transferable to new owners.
- (d) The tenant of a Residential Rental Unit may request a copy of a Certificate of Inspection for the property in which the tenant resides.

**SECTION 8. SUSPENSION OR REVOCATION OF LICENSES AND CERTIFICATES.**

- (a) If the violation(s) cited by the Borough Codes Enforcement Officer is not corrected by January 1<sup>st</sup> or upon the third reinspection of the property, the license of the Residential Rental Unit and the Certificate of Inspection shall be revoked from the property.
- (b) Upon revoking the license of the Residential Rental Unit and the Certificate of Inspection, the tenants shall be notified to vacate the Residential Rental Unit within the time period as established by the Borough Codes Enforcement Officer, but in no case shall this period exceed thirty (30) calendar days of the receipt of the Notice. Occupancy of the Residential Rental Unit shall not be allowed until the violation(s) has been corrected and the Residential Rental Unit passes an inspection by the Borough Codes Enforcement Officer.

**SECTION 9. PENALTIES.**

- (a) Upon the suspension or revocation of licenses and certificates, non-traffic citation(s) will be issued against the property owner for failure to maintain the property in a safe manner. If in the opinion of the Borough Codes Enforcement Officer, there is evidence that a tenant or tenants are responsible for part or all of the violation(s) which resulted in the suspension of the Residential Rental Unit's license, the Borough Codes Enforcement Officer shall, after due notice to all parties involved, have the ability to cite both the property owner and the tenant or tenants. All parties shall be required to appear before the local magisterial district justice as so notified.
- (b) Any Person who violates any provision of this Ordinance shall, upon conviction hereof before a court of competent jurisdiction, be sentenced to pay a fine of not less than Two Hundred Fifty Dollars (\$250.00), plus court costs and costs incurred by the Borough, but not more than One Thousand Dollars (\$1,000.00) plus court costs and costs incurred by the Borough, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.
- (c) A separate offense shall be deemed to have been committed for each and every day during or on which a violation(s) occurs.
- (d) The Borough shall have all other remedies available to it by law, including but not limited to equitable action to preclude illegal occupancy of a residential rental dwelling unit.

**SECTION 10. EXEMPTIONS.** This Ordinance shall not apply to hospital units, nursing units or retirement home units located within the Borough.

**SECTION 11. DEFINITIONS.** As used in this Ordinance the following terms shall have these meanings:

(a) **Borough Code Enforcement Officer** - shall be any qualified Person appointed by the Borough.

(b) **Family** - shall be defined as a group of people related by blood, name, marriage, adoption or other legally defined relationship, and in addition thereto, a group of no more than three (3) Persons unrelated to the others by blood, marriage, adoption or other legally accepted relationship residing collectively within one (1) Residential Rental Unit.

(c) **IPMC** - shall mean the International Property Maintenance Code, as amended, as adopted by the Borough.

(d) **Manager** - a person designated by the owner of a property responsible for the coordination of the management and maintenance of a property and the general security, safety, maintenance, and welfare of occupants of a property.

(e) **Person** - any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee, business entity, personal representative or guardian appointed by any order of any court of competent jurisdiction.

(f) **Residential Rental Unit** - a room or rooms for one or more persons, within independent living facilities providing for living, sleeping, cooking and disposal of human waste. Residential Rental Units include, but are not limited to, single-family Residential Rental Units, two-family Residential Rental Units or duplexes, multi-family Residential Rental Units (apartments) and shall not include, boarding houses, rooming houses, lodging houses, hotels, and tourist houses.

**SECTION 12. REPEALER.** Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed insofar as the prior Ordinance conflicts with this Ordinance.

**SECTION 13. SEVERABILITY.** In the event that any provision, section, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision section, sentence, clause or part of this Ordinance, it be the intent of the Borough that such remainder shall be and remain in force and effect.

**SECTION 14. EFFECTIVE DATE.** This Ordinance shall take effect on the earliest date after enactment permitted by law.

**SIGNATURES APPEAR ON NEXT PAGE**

ENACTED AND ORDAINED this 7 day of December, 2021 by the Borough Council of the Borough of Bernville, Berks County, Pennsylvania, in lawful session, duly assembled.

**BOROUGH OR BERNVILLE  
BERKS COUNTY, PENNSYLVANIA**

By:   
Borough Council President

ATTEST:

  
Borough of Bernville Secretary

APPROVED, this 7 day of December, 2021, by the Mayor of the Borough of Bernville.

  
Mayor

ATTEST:

  
Borough of Bernville Secretary

**BOROUGH OF BERNVILLE**

**BERKS COUNTY, PENNSYLVANIA**

I, , the undersigned Secretary of the Borough of Bernville, Berks County, Pennsylvania, certify that the foregoing is a true and correct copy of the Ordinance of the Council of the Borough which was duly enacted by affirmative vote of a majority of the members of the Council of the Borough at a meeting held on the 7 day of December, 2021.

  
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Borough of Bernville Secretary